

REMARKS

Claims 1-8 were pending in this application.

Claims 1-8 have been rejected.

Claims 1-8 have been amended as shown above.

Claims 9-20 have been added.

Claims 1-20 are now pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. OBJECTIONS TO SPECIFICATION

The Office Action notes the preferred layout for the specification of a utility patent application. The Applicant respectfully notes that headings for the various sections are not required under M.P.E.P. § 608.01(a). As a result, the Applicant respectfully declines to add section headings to the specification.

The Office Action also objects to the title as not being descriptive. The Applicant has amended the title. The Applicant respectfully submits that the amended title is descriptive of the claimed invention.

The Applicant respectfully requests withdrawal of the objection.

II. REJECTIONS UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,359,256 to Gray (“Gray”). The Office Action rejects Claims 1-3 under 35 U.S.C.

§ 102(b) as being anticipated by U.S. Patent No. 4,686,449 to Jeffrey et al. (“*Jeffrey*”). The Office Action rejects Claims 1-4, 7, and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,760,284 to Taylor (“*Taylor*”). These rejections are respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Gray recites a field emitter device that includes either a variable resistor or a field effect transistor coupled to the source of a voltage controlled current source. (*Col. 6, Lines 34-38*). Figures 14 and 16 illustrate the use of a variable resistor, and Figures 15 and 17 illustrate the use of a field effect transistor.

The Office Action asserts that Figures 14-17 of *Gray* anticipate Claim 1. (*Office Action, Page 3, Section 4*). The Applicant respectfully traverses this assertion. Figures 14 and 16 of *Gray* illustrate the use of a single transistor (the voltage controlled current source). As a result, Figures 14 and 16 of *Gray* fail to anticipate a voltage supply circuit that includes a “first transistor” and a “second transistor” as recited in Claim 1. While Figures 15 and 17 of *Gray* illustrate the use of two transistors, Figures 15 and 17 fail to anticipate all elements recited in Claim 1. For example, the transistor 390 in Figures 15 and 17 may be coupled to a power supply. However, the transistor 390 does not represent a “first transistor” having a “control electrode” coupled to a “fourth main

electrode” of a “second transistor,” where the second transistor has a “third main electrode” coupled to a “second main electrode” of the first transistor as recited in Claim 1.

For these reasons, the cited portions of *Gray* fail to anticipate the Applicant’s invention as recited in Claim 1 (and Claims 2, 3, and 8 depending from Claim 1).

Jeffrey recites a current source that compensates for variations in a voltage supply. (*Abstract*). The current source includes three transistors J_1 - J_3 . (*Figure 2*).

The Office Action asserts that Figure 2 of *Jeffrey* anticipates Claim 1. (*Office Action, Page 3, Section 5*). The Applicant respectfully traverses this assertion. While Figure 2 of *Jeffrey* illustrates the use of multiple transistors, Figure 2 fails to show the interconnections recited in Claim 1. For example, none of the transistors J_1 - J_3 represents a “first transistor” having a “control electrode” coupled to a “fourth main electrode” of a “second transistor,” where the second transistor has a “third main electrode” coupled to a “second main electrode” of the first transistor as recited in Claim 1.

For these reasons, the cited portions of *Jeffrey* fail to anticipate the Applicant’s invention as recited in Claim 1 (and Claims 2 and 3 depending from Claim 1).

Taylor recites a circuit that generates a reference voltage proportional to the “pinchoff voltage” of a field effect transistor. (*Abstract*). The circuit of *Taylor* includes a biasing circuit, several versions of which are shown in Figures 6 and 7. (*Col. 3, Lines 39-44*). The biasing circuit generates an output voltage across terminals 32, 34, where the terminal 32 is coupled between two transistors and the terminal 34 is coupled to ground. (*Col. 4, Lines 14-16; Figures 6-7*).

The Office Action asserts that Figures 6 and 7 of *Taylor* anticipate Claim 1. (*Office Action,*

Page 3, Section 6). The Applicant respectfully traverses this assertion. While Figures 6 and 7 illustrate the use of multiple transistors, the output voltage in Figures 6 and 7 is produced at a point between the first two transistors. The Office Action does not show how *Taylor* anticipates the production of a “regulated voltage” at the “fourth main electrode” of a “second transistor,” where the “fourth main electrode” is connected to a “control electrode” of a “first transistor” as recited in Claim 1.

For these reasons, the cited portions of *Taylor* fail to anticipate the Applicant’s invention as recited in Claim 1 (and Claims 2-4, 7, and 8 depending from Claim 1).

Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejections and full allowance of Claims 1-4, 7, and 8.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 4-7 under 35 U.S.C. § 103(a) as being unpatentable over *Gray* or *Jeffrey*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP §

2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As described above in Section II, *Gray* and *Jeffrey* each fails to disclose, teach, or suggest the Applicant's invention as recited in Claim 1. As a result, Claims 4-7 are patentable over *Gray* and *Jeffrey* due to their dependence from an allowable base claim.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections and full allowance of Claims 4-7.

IV. NEW CLAIMS

The Applicant has added Claims 9-20. The Applicant respectfully submits that no new matter has been added. The Applicant also respectfully submits that Claims 9-20 are patentable. The Applicant respectfully requests entry and full allowance of Claims 9-20.

V. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the application are in condition for allowance and respectfully requests an early allowance of such claims.

SUMMARY

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Nov. 24, 2003



William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *wmunck@davismunck.com*